

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

GWLADYS K. NARE, individually and
next friend of M.N. and M.N., MANFRED
L.S. NARE, individually and next friend of
M.N. and M.N.,

Plaintiffs,

v.

OMAHA DISCOVERY TRUST,

Defendant.

8:23CV3229

ORDER

This matter is before the Court on plaintiffs Gwladys K. Nare and Manfred L.S. Nare's (together, the "plaintiffs") Motion for Temporary Restraining Order and Preliminary Injunction (Filing No. 5). The Court "may issue a temporary restraining order without written or oral notice to the adverse party or its attorney only if: (A) specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition; and (B) the movant's attorney certifies in writing any efforts made to give notice and the reasons why it should not be required." Fed R. Civ. P. 65(b).

The plaintiffs' request for a temporary restraining order must be denied because they have made neither a showing that they themselves will suffer any irreparable harm if the Court does not act expeditiously, nor that there are sufficiently compelling reasons why defendant Omaha Discovery Trust should not be heard in opposition. *See Marneni v. U.S. Citizenship and Immigr. Servs.*, 2021 WL 4917974, at *1 (D. Neb. Oct. 21, 2021) (finding the plaintiffs' motion could be denied on the basis that "they didn't satisfy [these] procedural requirements"). The plaintiffs' request for a preliminary injunction will remain pending, and the Court will consider the merits of that request and whether a hearing is necessary in due course when the matter is fully briefed. *See* NECivR. 7.1 (b)(1)(B), (c)(1)

(providing that a brief opposing such a motion must be filed “within 14 days after the motion” and a reply brief must be filed “within 7 days after the opposing party files” their opposing brief).

Dated this 1st day of December 2023.

BY THE COURT:

A handwritten signature in black ink, reading "Robert F. Rossiter, Jr." with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge